



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/673,681

09/30/2003

David Marmaros

0026-0039

2032

44989

7590

12/23/2008

HARRITY & HARRITY, LLP

11350 Random Hills Road

SUITE 600

FAIRFAX, VA 22030

EXAMINER

COLAN, GIOVANNA B

ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,681

Applicant(s)

MARMAROS ET AL.

Examiner

GIOVANNA COLAN

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 6, 8 - 9, 11, 13 - 14, 17 - 21, and 60 - 73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 6, 8 - 9, 11, 13 - 14, 17 - 21, and 60 - 73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is issued in response to applicant filed request for continued examination (RCE) on 09/29/2008.
2. Claims 1 – 2, 11, 14, 17 – 22, and 60 – 64 have been amended. Claims 65 – 73 were added. Claims 7, 10, 12, 15 – 16, and 23 – 59 were canceled.
3. Claims 1 – 6, 8 – 9, 11, 13 – 14, 17 – 22, and 60 – 73 are pending in this application.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2006 has been entered.

Response to Arguments

5. Applicant's arguments with respect to amended claims 1 – 2, 11, 14, 17 – 22, and 60 – 64 have been considered but are moot in view of the new ground(s) of rejection.

Specification

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the term "computer-readable memory device" lacks of antecedent basis in the specification.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1 – 6, 8 – 9, 11, 13 – 14, 17 – 22, and 60 – 73 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recite a "automated method...". However, this method fails to: (1) tied to another statutory class (such as a particular apparatus) and (2) transform underlying subject matter (such as an article or materials) to a different state or thing (*In re Bilski*, 88 USPQ2d 1385 (2008); *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)). Therefore, the method recited in claim 1 is not patentable eligible processes under 35 USC § 101 since it is directed to non-statutory subject matter.

Regarding Claims 20, and 21, the claimed invention is addressed to a "device" and a "system" that can be interpreted as referring to lines of programming within a device and/or system, rather than referring to the device and system as physical objects. The claimed invention is also addressed to "means for obtaining", "means for generating", "means for adding"..., and "a history database...", "a browser" that is not a device/system/hardware/apparatus but is software. Accordingly, the claims become nothing more than sets of software instructions which are "software per se".

Claims 22, and 71 recite a "computer-readable memory device...". However, applicant has failed to provide antecedent basis for the claim terminology "computer-readable memory device". Also, the examiner makes note that; "executable by at least one processor..." does not necessarily mean including/comprising/consisting of a processor. The claimed invention is also addressed to a "computer-readable memory device" that can be interpreted as referring to lines of programming within a computer-readable memory device, rather than referring to the computer-readable memory device as a physical object. Accordingly, the claims become nothing more than sets of software instructions which are "software per se".

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1 –6, 8, 11, 13, 17 – 22, and 60 – 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awadallah et al. (Awadallah hereinafter) (US Patent App. Pub. 2005/0027699 A1, filed on August 1, 2003) in view of Maddalozzo, Jr. et al. (Maddalozzo hereinafter) (US 6,460,060, filed: January 26, 1999) and further in view of Holt et al. (Holt hereinafter) (US 6,606,061).

Regarding Claims 1, Awadallah discloses a method, comprising from a user:
receiving search results from a user (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah);

receiving search results, as first search results, responsive to the search query (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah);

Awadallah further discloses history database storing information regarding documents previously accessed by the user (Page 4 and 5, [0039] and [0051], lines 6 –

15 and 12 – 15, a previous search history; respectively, Awadallah) and performing a search of a database using the search query obtain search results, as second-search results (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah). However, Awadallah does not expressly disclose: performing this search to a history database. On the other hand, Maddalozzo discloses: performing a search to a history database using the search query to obtain search results as second-search results, the history database storing information regarding documents previously accessed by the user (Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Maddalozzo’s teachings to the system of Awadallah, as suggested by Maddalozzo (Col. 2, lines 11 – 19, Maddalozzo), to provide pertinent list to search previously visited web pages based on specific parameters define by a user, to search at least according to: specified keywords, the last, n number of pages visited and a date specific time frame in conjunction with keyword searches.

Furthermore, the combination of Awadallah in view of Maddalozzo discloses comparing information corresponding to the second- search results to information corresponding to the first-search results to determine whether information corresponding to one of the second-search results matches information corresponding to one of the first-search results (Page 5, lines 7 – 13, Awadallah);

adding the one of the second-search results to the first-search results when the information corresponding to the one of the second-search results does not match information corresponding to any of the first-search results (Page 6, [0065], lines 20 – 28, Awadallah¹).

The combination of Awadallah in view of Maddalozzo also discloses: moving a position of the one of the first search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah). However, the combination of Awadallah in view of Maddalozzo does not explicitly disclose modifying the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results. On the other hand, Holt discloses: modifying the one of the first-search results, for which the corresponding information matches the information to one of the second-search results, within the first-search results by moving a position of the one of the first-search results relative to a position of another one or more of the first-search results when information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results (Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Holt's teachings to the system of the combination of Awadallah in view of Maddalozzo, to reliably index and retrieve data from extend search source (Col. 2, lines 35 – 36, Holt).

Furthermore, the combination of Awadallah in view of Maddalozzo and further in view of Holt (Awadallah/Maddalozzo/Holt hereinafter) discloses:

¹ Wherein the step of combining the listing of search results corresponds to the step of adding the results

outputting the first-search results with the added second-search result or the modified second-search result (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: “Web pages containing the target keywords are then displayed...”, Maddalozzo; and Fig. 3, item 310, Holt).

Regarding Claims 2, Awadallah/Maddalozzo/Holt discloses a method, where the receiving search results, as first-search results includes:

transmitting the search query to an external search engine (Fig. 1, item 152, Page 4, [0041], lines 1 – 2, Awadallah), the search engine generating the first search results (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah),

intercepting the first-search results (Page 4, [0044], lines 5 – 9, Awadallah), and parsing the first-search results to identify information contained in the first-search results (Page 4, [0044], lines 5 – 9, selected from candidate results, Awadallah).

Regarding Claims 3, Awadallah/Maddalozzo/Holt discloses a method, where the performing a search of history database includes:

identifying one or more search terms used in the search query (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah),

using the one or more search terms to search the history database (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark

and/or history files and automatically accesses and searches each URL...", and Col. 2, lines 37 – 45, Maddalozzo).

Regarding Claims 4, Awadallah/Maddalozzo/Holt discloses a method, where the one or more search terms are identified from information returned from a search engine (Page 2, [0023], lines 1 – 4, Awadallah).

Regarding Claims 5, Awadallah/Maddalozzo/Holt discloses a method, where the first-search results include links to documents (Page 2, [0020], lines 5 – 8, the links comprise the search results, documents, Awadallah).

Regarding Claims 6, Awadallah/Maddalozzo/Holt discloses a method, further comprising:

ranking the second-search results by at least one of date (Page 3, para. 3, lines 1 –2, by date, Awadallah), relevancy to the search query (Page 3, para. 3, lines 1 –2, by most visited, Awadallah), or a measure of interest in the second-search results by the user (Page 3, para. 3, lines 1 –2, by most visited, Awadallah).

Regarding Claims 8, Awadallah/Maddalozzo/Holt discloses a method, where the adding the top one of the second-search results includes:

placing the top one or more of the second-search results at a prominent position in the first-search results (Page 4, [0045], lines 1 – 5, Awadallah; Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claims 11, Awadallah/Maddalozzo/Holt discloses a method, where the modifying the one of the first-search results includes:

moving a position of the first-search results within the first-search results a predetermined number of positions towards a top of the first-search results (Page 5, [0045], lines 13 – 17 and 7 – 13, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claims 13, Awadallah/Maddalozzo/Holt discloses a method, where the predetermined number of positions is user-configurable (Page 5, [0052], lines 9 – 13, Awadallah).

Regarding Claims 17, Awadallah/Maddalozzo/Holt discloses method, where the second search results are associated with documents stored locally to a device performing the method (Page 2, [0020], lines 5 – 8, Awadallah).

Regarding Claims 18, Awadallah/Maddalozzo/Holt discloses a method, where the locally-stored documents include at least one of e-mails, images, application files, audio files, and video files (Page 2, [0020], lines 5 – 8, Awadallah).

Regarding Claims 19, Awadallah/Maddalozzo/Holt discloses a method, where the second-search results are associated with first documents that are stored locally to a device performing the method, and second documents that are not stored locally to the device (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claims 20, Awadallah/Maddalozzo/Holt discloses a device, comprising:

means for obtaining search results, as first-search results, based at least in part on a search performed on a document corpus using a search query from a user (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah);

means for generating search results, as second-search results based at least in part on a search performed, using the search query, on information regarding documents previously accessed by the user (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo);

means for determining whether information corresponding to any of the second-search results match information corresponding the first-search results (Page 5, lines 7 – 13, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt);

means for adding the one or more of the second-search results to the first-search results when the information corresponding to the one or more of second-search results do not match any of the information corresponding to the first-search results (Page 6, [0065], lines 20 – 28, Awadallah²);

means for modifying one of the first-search results by changing a position of the one of the first-search results within the first-search results only when information corresponding to one of the second-search results matches information corresponding the one of the first-search results (Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt);

means for outputting the first-search results with the added one or more second-search results or the modified one of the first-search results (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: “Web pages containing the target keywords are then displayed...”, Maddalozzo; and Fig. 3, item 310, Holt).

Regarding Claims 21, Awadallah/Maddalozzo/Holt discloses a system, comprising:

a history database to store information regarding document previously accessed by a user (Page 4 and 5, [0039] and [0051], lines 6 – 15 and 12 – 15, a previous search history; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo); and

² Wherein the step of combining the listing of search results corresponds to the step of adding the results

a browser assistant (Page 4, [0040], lines 1 – 2, browser, Awadallah) to:

obtain search results, as first-search results, based at least in part on a search performed on a document corpus using a search query (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah),

obtain search results, as second-search results based at least in part on a search performed on the history database using the search query (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo),

determine whether any of the second-search results is included the first-search results (Page 5, lines 7 – 13, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt);

add the one or more of the second-search results to the first-search results when one of the second-search results is not included within the first-search results (Page 6, [0065], lines 20 – 28, Awadallah³);

modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions toward a top of the first-search results when the one of the second-search

claimed.

³ Wherein the step of combining the listing of search results corresponds to the step of adding the results claimed.

results is included within the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt); and

present either the first-search results with the added one or more second-search results or the modified one of the first-search results to the user (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: "Web pages containing the target keywords are then displayed...", Maddalozzo; and Fig. 3, item 310, Holt).

Regarding Claims 22, Awadallah/Maddalozzo/Holt discloses a computer-readable memory device that stores instructions executable by at least one processor to perform a method for providing search results, the computer-readable memory device comprising:

instructions for obtaining a search query (Fig. 1, item 152, Page 4, [0041], lines 1 – 2, Awadallah);

instructions for obtaining search results, as first-search results based at least in part on an Internet search performed using the search query (Fig. 1, item 154, Page 4, [0036] and [0041], lines 2 – 4, Awadallah);

instructions for performing a search to a history database using the search query to obtain search results, as second-search results, the history database storing information regarding documents previously accessed by the user (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: "generates a search list from URLs in the browser's bookmark and/or history

files and automatically accesses and searches each URL...", and Col. 2, lines 37 – 45, Maddalozzo);

instructions for comparing information corresponding to the second- search results to information corresponding to the first-search results to determine whether information corresponding to one of the second-search results matches information to one of the first-search results (Page 5, lines 7 – 13, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt);

instructions for adding the one of the second-search results to the first-search results when the information corresponding to the one of the second-search results does not match information corresponding to any of the first-search results (Page 6, [0065], lines 20 – 28, Awadallah⁴);

instructions for modifying one of the first-search results, for which corresponding information matches the information corresponding to the one of the second-search results, by changing a position of the one of the first-search results relative to a position of another one or more of the first-search results when the information corresponding to the one of the second-search results matches information corresponding to the one of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt); and

instructions for presenting the first-search results with the added one of the second-search results or the first-search results with the modified one of the first-search

⁴ Wherein the step of combining the listing of search results corresponds to the step of adding the results claimed.

results (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: “Web pages containing the target keywords are then displayed...”, Maddalozzo; and Fig. 3, item 310, Holt).

Regarding Claims 60, Awadallah/Maddalozzo/Holt discloses a method, further comprising:

obtaining one or more advertisements relating to the search query (Page 2 and 5, [0020] and [0046], lines 14 – 18 and 1 – 4; respectively, “a search results page may contain advertisements that were generated in response to a query”, Awadallah); and

presenting the first-search results with the added second-search result or the modified first-search result (Page 2, [0020], lines 1 – 18, links displayable on a webpage, Awadallah), and the one or more advertisements (Page 5, [0046], lines 1 – 4, Awadallah).

Regarding Claims 61, Awadallah/Maddalozzo/Holt discloses a method, where the obtaining one or more advertisements includes:

sending the search query to an external server that is located external to a device that is performing the method (Page 4, [0040], lines 5 – 10, Awadallah), and

obtaining, from the external server, the one or more advertisements that relate to the search query (Page 5, [0046], lines 1 – 7, Awadallah).

Regarding Claims 62, Awadallah/Maddalozzo/Holt discloses a method, where the performing the search of the history database includes:

performing a local search, within one or more memory devices associated with a device that is performing the method, using the search query without transmitting the search query on a network (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah).

Regarding Claims 63, Awadallah/Maddalozzo/Holt discloses a method, where receiving search results, as the first-search results includes:

transmitting the search query on a network to an external search engine (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah), and

receiving the first-search results from the external search engine (Fig. 1, item 154, Page 4, [0036] and [0041], lines 2 – 4, Awadallah); and

where performing the search of the history database includes:

performing a local search of the history database without transmitting the search query on the network to obtain the second-search results (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo).

Regarding Claim 64, Awadallah/Maddalozzo/Holt discloses a method, further comprising:

providing an option to the user, selection of the option causing the modifying of the one of the first-search results within the first-search results to be turned off (Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 65, Awadallah/Maddalozzo/Holt discloses a device, where the means for modifying the one of the first-search results includes means for moving the position of the one of the first-search results a particular number of positions towards a top of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 66, Awadallah/Maddalozzo/Holt discloses a device, where the means for modifying the one of the first-search results includes means for placing the one of the first-search results at a prominent position within the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 67, Awadallah/Maddalozzo/Holt discloses a system, where, when obtaining search results, as the second-search results, the browser assistant is configured to perform the search of the history database, using the search query, without transmitting the search query on a network (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and

automatically accesses and searches each URL...", and Col. 2, lines 37 – 45, Maddalozzo).

Regarding Claim 68, Awadallah/Maddalozzo/Holt discloses a system, where the browser assistant is further configured to provide an option for causing the modifying of the one of the first-search results to be turned off (Page 4, [0045], lines 1 – 5, Awadallah; Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 69, Awadallah/Maddalozzo/Holt discloses a computer-readable memory device, where the instructions for modifying the one of the first-search results includes instructions for moving the position of the one of the first-search results a particular number of positions towards a top of the first- search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 70, Awadallah/Maddalozzo/Holt discloses a computer-readable memory device, further comprising:

instructions for providing an option to the user, selection of the option causing the modifying of the one of the first-search results to be turned off (Page 4, [0045], lines 1 – 5, Awadallah; Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 71, Awadallah/Maddalozzo/Holt discloses a computer-readable memory device that stores instructions executable by at least one processor, the computer-readable memory device comprising:

one or more instructions to receive a search query from a user (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah);

one or more instructions to transmit the search query on a network to obtain search results, as first-search results, based at least in part on a search performed using the search query (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah);

one or more instructions to perform a search of a history database, using the search query, to obtain search results, as second-search results, the history database storing information regarding documents previously accessed by the user (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo);

one or more instructions to determine that information corresponding to one of the second-search results matches information corresponding to one of the first-search results within the first-search results (Page 5, lines 7 – 13, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt);

one or more instructions to move a position of the one of the first-search results relative to a position of another one or more of the first-search results to create modified

first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt); and

one or more instructions to present the modified first-search results to the user (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: "Web pages containing the target keywords are then displayed...", Maddalozzo; and Fig. 3, item 310, Holt).

Regarding Claim 72, Awadallah/Maddalozzo/Holt discloses a computer-readable memory device, where the one or more instructions to move the one of the first-search results includes one or more instructions to move the position of the one of the first-search results a particular number of positions towards a top of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 73, Awadallah/Maddalozzo/Holt discloses a computer-readable memory device, where the one or more instructions to move the one of the first-search results includes one or more instructions to move the position of the one of the first-search results to a prominent position within the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

13. Claims 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awadallah et al. (Awadallah hereinafter) (US Patent App. Pub. 2005/0027699 A1,

filed on August 1, 2003), in view of Maddalozzo, Jr. et al. (Maddalozzo hereinafter) (US 6,460,060, filed: January 26, 1999), in view of Holt et al. (Holt hereinafter) (US 6,606,061), and further in view of Carolan et al. (Caronal hereinafter) (US 2004/0133440 A1, filed August 22, 2003).

Regarding Claims 9, Awadallah/Maddalozzo/Holt discloses all the limitations as discussed above including the one of the second-search results at the prominent position in the first-search results (Page 4, [0045], lines 1 – 5, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt). However, Awadallah/Maddalozzo/Holt does not explicitly disclose highlighting. On the other hand, Carolan discloses the feature of highlighting the results (Page 20, [0260], Carolan). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Carolan's teachings to the system of Awadallah/Maddalozzo/Holt. Skilled artisan would have been motivated to do so, as suggested by Carolan (Page 20, [0260], Carolan), to facilitate browsing of the listings by the user.

Regarding Claims 14, the combination of Awadallah in view Maddalozzo in view of Holt and further in view Carolan (Awadallah/Maddalozzo/Holt/Carolan hereinafter) discloses a method, where the modifying the one of the first-search results further includes:

highlighting the one of the second-search results within the first-search results (Page 4, [0045], lines 1 – 5, Awadallah; and Page 20, [0260], Carolan).

Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIOVANNA COLAN whose telephone number is (571)272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
December 9, 2008

/John Breene/
Supervisory Patent Examiner, Art Unit 2162